

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Daniel W. Kazmierski & Randall C. Jenkins

Serial No.: 08/785,077

Group Art Unit: 1/07

Filed: 1-17-97

Examiner: Unknown

For: MECHANICALLY FROTHED AND CHEMICALLY BLOWN  
POLYURETHANE FOAM

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I hereby certify that this paper or fee is being deposited  
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Assistant Commissioner of Patents & Trademarks  
Washington, D.C. 20231

Sir:

PETITION UNDER 37 C.F.R. §1.47; INVENTOR UNAVAILABLE OR  
REFUSES TO EXECUTE APPLICATION

One of the co-inventors, Randall C. Jenkins, in  
the above referenced application, hereby petitions the  
Commissioner to accept the application without the  
execution of the DECLARATION & POWER OF ATTORNEY  
(hereinafter declaration) by the other co-inventor,  
Daniel W. Kazmierski, because Mr. Kazmierski refuses to  
sign the declaration sent to him several months ago.  
Please charge \$130.00 for this petition under 37 C.F.R.  
§1.17(h) to our Deposit Account No. 04-1512. If this  
estimate is incorrect, please charge or credit our  
account accordingly. Two duplicate copies of this sheet  
are enclosed.

Also attached is the verified statement of Mr. Gene  
L. Tyler, a registered patent attorney and the attorney  
of record on application S/N 60/010,247. Mr. Tyler's

statement detail the efforts of petitioner to secure Mr. Kazmierski's cooperation. In summary, Mr. Kazmierski refused to sign any further documents regarding this invention despite being informed of his obligations to do so and notwithstanding the fact that he executed the Assignment in favor of Dow. Also attached is an Affidavit from the Chief Executive Officer of Mr. Kazmierski's employer, setting out the elements which show that The Dow Chemical Company, the petitioner's employer, has a proprietary interest in the invention disclosed in the above referenced patent application.

Failure to grant this petition, accept the application, and grant it the priority date of the parent provisional application will result in irreparable harm to, or prejudice the rights of, your petitioner. This is true because the invention has been commercialized for at least one year, and the subject of Foreign applications which will publish in the near future. The published applications could serve as prior art or a statutory bar to a new application.

As shown by the attached declaration of Gene L. Tyler, diligent efforts have been made to secure Mr. Kazmierski's cooperation, to no avail. His last known address and telephone number are:

Mr. Daniel W. Kazmierski  
766 Tibbs Bridge Road  
Chatsworth, GA 30705  
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